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RETURN OR RESTITUTION OF CULTURAL PROPERTY TO THE COUNTRIES OF ORIGIN

Côte d'Ivoire, Cyprus, Ghana, Greece, Mali, Mexico, Morocco, Niger, Rwanda and Zaire: draft resolution

The General Assembly,

Recalling its resolutions 3026 A (XXVII) of 18 December 1972, 3148 (XXVIII) of 14 December 1973, 3187 (XXVIII) of 18 December 1973, 3391 (XXX) of 19 November 1975, 31/40 of 30 November 1976, 32/18 of 11 November 1977, 33/50 of 14 December 1978, 34/64 of 29 November 1979, 35/127 and 35/128 of 11 December 1980, 36/64 of 27 November 1981, 38/34 of 25 November 1983, 40/19 of 21 November 1985, 42/7 of 22 October 1987, 44/18 of 6 November 1989 and 46/10 of 22 October 1991,

Recalling also the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1/ adopted on 14 November 1970 by the General Conference of the United Nations Educational, Scientific and Cultural Organization,

Taking note with satisfaction of the report of the Secretary-General submitted in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization, 2/

Noting with satisfaction that, following its appeal, other Member States have become parties to the Convention,

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1/ United Nations Educational, Scientific and Cultural Organization, Records of the General Conference, Sixteenth Session, vol. 1, Resolutions, p. 135.

2/ A/48/466.

Aware of the importance attached by the countries of origin to the return of cultural property which is of fundamental spiritual and cultural value to them, so that they may constitute collections representative of their cultural heritage,

Reaffirming the importance of inventories as an essential tool for the understanding and protection of cultural property and for the identification of dispersed heritage and as a contribution to the advancement of scientific and artistic knowledge and intercultural communication,

Deeply concerned at the clandestine excavations and the illicit traffic in cultural property that continue to impoverish the cultural heritage of all peoples,

Again supporting the solemn appeal made on 7 June 1978 by the Director-General of the United Nations Educational, Scientific and Cultural Organization for the return of irreplaceable cultural heritage to those who created it,

1. Commends the United Nations Educational, Scientific and Cultural Organization and the Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin or Its Restitution in Case of Illicit Appropriation on the work they have accomplished, in particular through the promotion of bilateral negotiations, for the return or restitution of cultural property, the preparation of inventories of movable cultural property, the reduction of illicit traffic in cultural property and the dissemination of information to the public;

2. Reaffirms that the restitution to a country of its objets d'art, monuments, museum pieces, archives, manuscripts, documents and any other cultural or artistic treasures contributes to the strengthening of international cooperation and to the preservation and flowering of universal cultural values through fruitful cooperation between developed and developing countries;

3. Recommends that Member States adopt or strengthen the necessary protective legislation with regard to their own heritage and that of other peoples;

4. Requests Member States to study the possibility of including in permits for excavations a clause requiring archaeologists and palaeontologists to provide the national authorities with photographic documentation of each object brought to light during the excavations immediately after its discovery;

5. Invites Member States to continue drawing up, in cooperation with the United Nations Educational, Scientific and Cultural Organization, systematic inventories of cultural property existing in their territory and of their cultural property abroad;

6. Also recommends that Member States should ensure that inventories of museum collections include not only the items on display but also those in storage, and that they comprise all necessary documentation, particularly photographs of each item;

7. Also invites Member States engaged in seeking the recovery of cultural and artistic treasures from the seabed, in accordance with international law, to facilitate by mutually acceptable conditions the participation of States having a historical and cultural link with those treasures;

8. Appeals to Member States to cooperate closely with the Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin or Its Restitution in Case of Illicit Appropriation and to conclude bilateral agreements for this purpose;

9. Also appeals to Member States to encourage the mass information media and educational and cultural institutions to strive to arouse a greater and more general awareness with regard to the return or restitution of cultural property to its country of origin;

10. Requests States parties to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property to keep the Secretary-General of the United Nations and the Director-General of the United Nations Educational, Scientific and Cultural Organization fully informed of the measures taken to ensure implementation of the Convention at the national level;

11. Requests the Secretary-General, in collaboration with the United Nations Educational, Scientific and Cultural Organization, to continue to explore all possibilities in order to bring about the attainment of the afore-mentioned objectives;

12. Welcomes the steady increase in the number of States parties to the Convention;

13. Invites once again those Member States that have not yet done so to sign and ratify the Convention;

14. Requests the Secretary-General of the United Nations, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to submit to the General Assembly at its forty-eighth session a report on the implementation of the present resolution;

15. Decides to include in the provisional agenda of its fiftieth session the item entitled "Return or restitution of cultural property to the countries of origin".